

**Arizona Department of Transportation
Intermodal Transportation Division**

**Right of Way
Procedures Manual**

July 1, 2006



**ADMINISTRATION
9300**



Arizona Department of Transportation

Intermodal Transportation Division

Right of Way Group

Transmittal Letter Date: July 1, 2006

**TO: Interested Individuals and Each Holder of the Right of Way Group
 Procedures Manual**

Attached is the most recent Procedures Manual for the Arizona Department of Transportation, Right of Way Group. As you are viewing the electronic (PDF) version of the manual, hyperlinks have been added allowing you to quickly navigate to the various sections. At the end of each Section and Exhibit you will be given further directions.

Should you have any questions please contact our office directly at (602) 712-7316 or scorrales@azdot.gov.

A handwritten signature in black ink, reading "Sabra J. Mousavi", is written over a horizontal line.

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August 29, 2006

In Reply Refer To: HRW
File:410.1
Right of Way Manual Certification

Mrs. Sabra Mousavi, Chief ROW Agent
Arizona Department of Transportation
205 South 17th Avenue
Phoenix, Arizona 85009

Dear Mrs. Mousavi:

States which receive Federal-Aid funding from the Highway Trust Fund are required to maintain a manual describing its right-of-way organization, policies, and procedures. The guidelines for this manual are detailed in Title 23 CFR 710.201 (c). Beginning on January 1, 2001 and every five years thereafter, the manual will be certified by the Federal Highway Administration (FHWA). The manual shall be updated periodically to reflect changes in the operations and submit the updated material to the FHWA for approval.

The manual was submitted to FHWA for approval in January, 2006. Several months of extensive reviews with subsequent corrections have been accomplished. Realizing the manual will have continual updates/revisions and observed technical corrections will be incorporated; the FHWA finds the manual to be materially in compliance with Federal regulations. Therefore, by this letter, the FHWA is certifying the Arizona Department of Transportation's Right of Way Manual to be in compliance with Federal regulations as of August 21, 2006.

Sincerely yours,

Robert E. Hollis
Division Administrator



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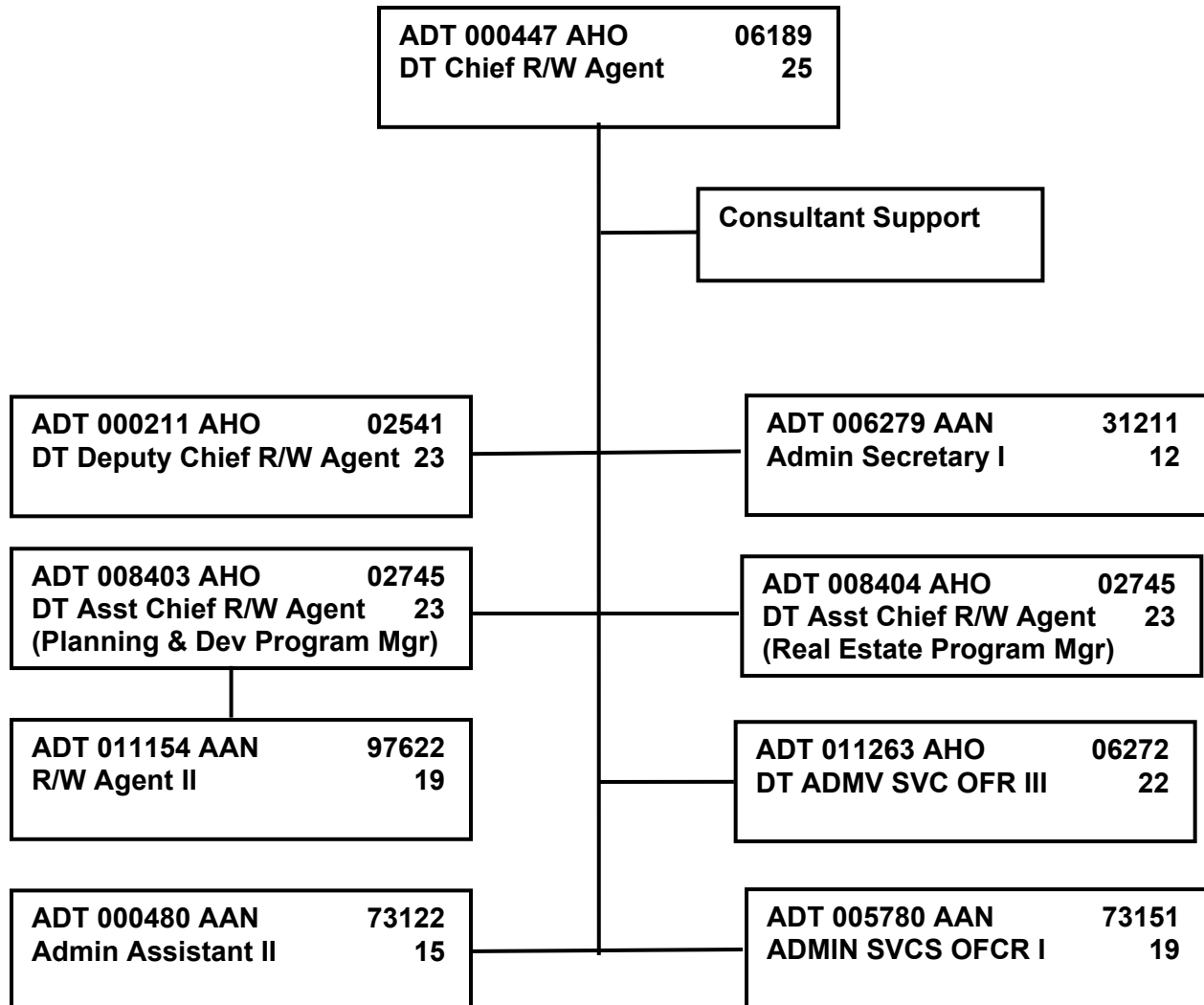
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Arizona Department of Transportation
Right of Way Group
Org. 9300

September 2, 2006



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Chapter 1 Functions

1.01 Purpose

The purpose of this chapter is to describe the function, responsibilities and the general operating procedures of the Right of Way Group of the Intermodal Transportation Division of the Department of Transportation.

1.02 Primary Functions

The purpose of the Right of Way Group is to function as the acquiring agency of the Arizona Department of Transportation in acquiring all real property and real property rights required for the construction and maintenance of all federal and state highways, maintenance facilities, material sites, and other highway-related purposes; and to act as the administrative agency of the Arizona Department of Transportation in all matters relating to the management and disposal of Department owned excess real property and the administration and management of the Relocation Assistance Program.

1.03 Right of Way Policy

To support the Intermodal Transportation Division through the timely acquisition and clearance of private and public lands needed for the construction or improvement of the State Highway System in accordance with applicable laws, regulations and rules. It is the policy of the Right of Way Group to acquire, all properties and/or property rights required for state and federal highway purposes and to administer, in the same manner, the Relocation Assistance Program as authorized by federal and state laws and regulations.

1.04 Authority

State and Federal Regulations: The acquisition, management, and disposal of highway-related real property and/or real property rights, and the relocation of persons and personal property caused by such acquisition, are authorized by and accomplished in compliance with applicable provisions of the Arizona Revised Statutes and the United States Code. Regulations issued under proper authority may be amended from time to time by the Arizona State Legislature, the United States Congress, and the Arizona Department of Transportation.

1.05 Operation Practice

The operational practice of the Right of Way Group in compliance with Title VI Civil Rights Act of 1964, when acting as an agent for the Arizona Department of Transportation, shall be to accomplish all right of way transactions with members of the public in a manner that is in the best interest of the public and the Arizona Department of Transportation, without regard to the race, color, sex, religion, age or national origin of the individual and his community; and to adhere to the high standard of ethics and the principles of good business practices adhered to by the Arizona Department of Transportation and its management. The Right of Way Group shall perform all functions in right of way related matters utilizing Title VI procedures as more specifically described in 23 CFR 200.

1.06 Right of Way Code of Ethics

a. Conduct and Requirements in General:

1. Employees shall conduct themselves with the highest level of integrity and impartiality essential to ensure the proper performance of State business so that the public's confidence in the Arizona Department of Transportation and State government is not compromised.
2. Employees shall conduct themselves in such a manner that the work of the State is effectively accomplished; they shall be courteous, considerate and prompt in dealing with and serving the public and shall conduct themselves in a manner that will not bring discredit or embarrassment to the State.
3. Employees shall observe the applicable laws and regulations governing participation in political activities and conflict of interest, and shall avoid any discrimination because of race, color, religion, national origin, age handicap, sex or sexual preference and shall economically utilize, protect and conserve property of the State of Arizona entrusted to them, and conduct all their official activities in a manner which is above reproach and free from any indiscretions, or acceptance of gratuities or favors which would cast doubt or suspicion upon themselves or their agency.

b. Specific Conduct and Responsibilities of Right of Way Employees:

1. Official position shall not be used by State employees for personal gain. Public influence and confidential or "inside" information may never be turned to personal advantage.
2. Conflict of interest laws must be scrupulously observed. Employees must disclose their interest, if any, in the official records of the employing agency and shall not participate in or vote for any contract, sale, purchase or service in which they have an interest as defined in the Arizona Revised Statutes Code of Conduct.
3. The employee shall not do any work in a private capacity, which may be construed by the public to be an official act.
4. The employee shall not accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment or loan which is, or may appear to be, designed to influence official conduct in any manner particularly from a person who is seeking to obtain contractual or other business or financial arrangements with the employee agency, or who has interests that might be substantially affected by the performance or non-performance of the employee's duty. This provision does not prohibit acceptance by an employee of food and refreshments of insignificant value, on infrequent occasions, in the ordinary course of a meeting, conference or other occasion where the employee is properly in attendance; nor does it prohibit the solicitation or acceptance by an employee of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the employee; nor the acceptance of unsolicited promotional materials such as pens, pencils, calendars and other items of nominal value.

5. Employees shall not directly or indirectly use or allow the use of State property of any kind, including property leased to the State, for other than officially approved activities. Employees have a positive duty to protect and conserve state property entrusted or issued to them.
6. Employees must never permit themselves to be placed under any kind of personal obligation, which could cause any person to expect official favors.
7. Employees' official acts must reflect impartiality. Their decisions and actions must be determined by impersonal considerations, free from any taint of favoritism, prejudice, personal ambition or partisan demands.
8. Employees shall not engage in any outside employment or activity which is not compatible with the full and proper discharge of the duties and responsibilities of their state employment, or which tends to impair their capacity to perform their state duties and responsibilities in an acceptable manner.
9. Employees shall acquaint themselves with the statutes relating to their conduct as an employee, including the code of conduct in the Arizona Revised Statutes and the Federal Hatch Act.

Chapter 2 Organization and Responsibilities

2.01 Purpose

The purpose of this chapter is to present the broad responsibilities and authority of the principal management personnel within the Right of Way Group.

2.02 Right of Way Organization

The Right of Way Group is one of the operational segments of the Planning and Engineering Group of the Arizona Department of Transportation. Presently there are seven separate functional Sections: Operations, Plans, Urban Acquisition, Statewide Acquisition, Project Management, Property Management and Titles Sections. Since we are not a static Organization these section names may change but the functions will continue to be performed. The current Right of Way Table of Organization is located at ~

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2.03 Right of Way Administration Staff

The Right of Way Administrative Table of Organization is located at ~.

2.04 Chief Right of Way Agent

The Chief Right of Way Agent is the executive administrator of the Right of Way Group. All functions of the Group are under his/her administrative jurisdiction. He/She has direct supervision over the Deputy Chief Right of Way Agent, and the Assistant Chief Right of Way Agents.

a. Line of Authority:

The Chief Right of Way Agent functions under the administrative direction of the Deputy State Engineer of the Planning and Engineering Group. The complete line of authority from the Deputy State Engineer to the Director of the Arizona Department of Transportation is shown on the appropriate organization chart located at ~

b. Administrative Direction of the Section:

The Chief Right of Way Agent serving as chief administrator of the Right of Way Group is responsible for the administrative direction of the entire group.

c. Statewide Supervision:

The Chief Right of Way Agent exercises statewide supervision over all Right of Way activities and affairs and is responsible for recommending management approval for all expenditures, policies, procedures, methods and regulations for the Right of Way Group. In Arizona, a central Right of Way Office is located in Phoenix.

2.05 Deputy Chief Right of Way Agent

Under the direction of the Chief Right of Way Agent, the Deputy Chief Right of Way Agent is responsible for, but not necessarily limited to: direct supervision over the Manager of the /Right of Way Operations Section, and providing executive level staff assistance and liaison functions for the Right of Way Group. The Deputy Chief Right of Way Agent may act on behalf of the Chief Right of Way Agent in directing right of way activities; assist in developing training programs; maintain Section manuals and interim procedures; monitor internal committees; provide guidance and assistance to staff and conduct/accomplish the more complex right of way issues as necessary. In the absence of the Chief, the Deputy has full authority to carry out and direct all Right of Way activities including the signing of deeds.

2.06 Assistant Chief Right of Way Agents:

Under the direction of the Chief Right of Way Agent, the Assistant Chief Right of Way Agent is responsible for, but not necessarily limited to: providing executive level staff assistance and liaison functions for the Right of Way Group. The two Assistant Chief Right of Way Agents are the Real Estate Program Manager who oversees the operations of the Property Management Section, Statewide Acquisition Section, and Urban Acquisition Section; and the Planning and Development Program Manager oversees the operations for the Titles Section, Plans Section, and Project Management Section. They provide guidance and assistance to staff and conduct/accomplish the most complex right of way issues as necessary. The Assistant Chief Right of Way Agents reports to the Chief Right of Way Agent.

Chapter 3 Dress Policy

3.01 Dress Policy

The Right of Way Group believes that the success of a business is determined, in part, by establishing and maintaining a proper business atmosphere. This is determined by the image employees project as well as the manner in which they conduct business. In an effort to promote professionalism and quality customer service, the Right of Way Group has established

guidelines for acceptable dress and appearance of staff employees and consultants that work in our offices effective October 6, 1998. After reviewing the Dress Policy, the attached memo is to be signed by each employee and in-house consultant (Exhibit 4.01). This policy is generally accepted by the business community as appropriate, and employees shall adhere to these guidelines at all times during business hours. Attention to cleanliness, grooming and attire is expected of all employees as a demonstration of respect and consideration for other employees and for the customers we serve. Good judgment should be used when applying make-up and selecting jewelry or other accessories. Temporary exceptions to the following dress standards, may be allowed on days when employees are required to perform tasks which dictate a more casual standard (i.e., moving equipment, packing or moving file boxes, survey or field trips where you will not be meeting with the public, etc.) or on days declared by Administration to be "dress down" or casual dress days. Fridays are routinely considered casual dress days.

- a. The following guidelines shall be used by all Supervisors in determining acceptable grooming and dress standards for their employees. Reasonable discretion shall be used in interpreting these guidelines.

1. Acceptable:

- (a) Employees shall maintain good personal hygiene. Hair should be neat and clean; beards and mustaches should be trimmed and neatly groomed.
- (b) Shirts or blouses should have sleeves and must cover the entire torso.
- (c) Denim jeans, sweat shirts and T-shirts may be worn only on casual dress Fridays, on days when employees need to perform tasks which dictate a more casual dress standard (as approved by the supervisor), or on days declared by Administration to be casual dress days.
- (d) Women's sleeveless garments that are professional in appearance are acceptable, or when worn with a jacket or other top.
- (e) Belts should be worn with all slacks, dress pants and other clothing designed to be worn with a belt. Tasteful suspenders are acceptable.
- (f) Skirts or "skorts" made of acceptable fabric (no leather or spandex) may be worn as long as they are an acceptable length. An acceptable length is defined by this Administration to be that the bottom of the garment shall be no more than 4 inches above the top of the kneecap when in a standing position. Nylons or tights are recommended.
- (g) Colognes or perfumes shall be permitted, if used, in moderation.
- (h) All clothing should fit properly and be neat clean and in good repair. Employees shall wear shoes at all times. Leather shoes should be shined and in good repair. Some types of sport shoes and dress sandals may be acceptable if clean and in good repair.

2. Not Acceptable:

- (a) At no time, will an employee wear a garment that has pictures, logos or messages that are offensive or otherwise considered unprofessional.
- (b) Plunging necklines, halter tops, backless dresses or blouses, crop top or tank tops are not permitted.
- (c) Form fitting or sheer garments are not acceptable at any time.
- (d) Sweat-suits, jogging suits, spandex pants, shorts or other exercise garments are not appropriate office attire at any time.
- (e) Leggings or tights worn with knit tops, blouses or sweaters are not appropriate.
- (f) Shorts are not acceptable attire.
- (g) Hiking boots, flip-flops, thongs or other casual sandals are not permitted.
- (h) Slovenly personal grooming habits are not acceptable.
- (i) Garish hairstyles or colors are not acceptable.
- (j) Denim jeans of any color are not permitted, except on casual days.

- b. Examples of appropriate professional attire for both genders shall include but are not limited to:

Suits, dress pants or slacks, stirrup pants, pant suits, long or short sleeve dress shirts with or without a neck tie, polo shirts with a collar, blouses, skirts or split skirts (skorts/culottes), dresses, socks or stockings, belts or suspenders, appropriate sleeveless garments, dress shoes, pumps, slings, professional looking boots, sandals or sport shoes.

- c. Examples of inappropriate attire for both genders shall include but not limited to:

Sport pants, denim jeans (any color), sweat pants, leggings, tights, shorts, tank tops, sleeveless shirts, undershirts, or T-shirts, any shirt or top with inappropriate markings, sheer, tight or revealing garments, halter tops, backless garments, tops with plunging necklines, jogging suits, casual shoes or sandals, or extreme use of perfume or cologne.

- d. Supervisors shall be responsible for ensuring that proper standards of dress and appearance are maintained in their work units by all employees. Discretion and common sense shall be used in enforcing the following guidelines and requirements. Supervisors shall follow the disciplinary actions identified below when violations to this policy have been identified:

1. First Offense:

For a first-offense violation the supervisor shall counsel the employee on proper standards of dress and give the employee a verbal warning.

2. Second and Subsequent Offenses:

For a second-offense or subsequent violation, the supervisor shall employ the ADOT Progressive Discipline Procedures (PER-5.05).

Chapter 4 Exhibits

The following exhibit is intended for reference purposes only. The exhibit has been scanned in order to include it in this manual.

To view Exhibits ~